

Item SP04-27 Response Form

Title: **Reimbursement of Extraordinary Costs Associated with Homicide Trials**
(adopt Cal. Rules of Court, rule 6.711)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
 Judicial Council, 455 Golden Gate Avenue,
 San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 P.M Friday, October 22, 2004
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

<p><i>Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.</i></p>

Title	Reimbursement of Extraordinary Costs Associated with Homicide Trials (adopt Cal. Rules of Court, rule 6.711)
Summary	The proposed rule of court would comply with provisional language in the Budget Act of 2004 (Stats. 2004, Ch. 208), which requires the Judicial Council to establish a process for courts to seek reimbursement for the extraordinary costs of homicide trials. An excerpt of the budget control language showing this requirement is attached.
Source	Staff
Staff	<p>I. Denise Friday, Supervising Budget Analyst, 415-865-7536, denise.friday@jud.ca.gov</p> <p>Susan R. Goins, Senior Attorney, 415-865-7990, susan.goins@jud.ca.gov</p>
Discussion	<p>The Budget Act of 2004 (Stats 2004, Ch. 208) appropriates funding for the payment of court costs related to extraordinary homicide trials. This new appropriation establishes the ability of eligible trial courts to obtain reimbursement for extraordinary costs incurred for homicide trials directly from the Administrative Office of the Courts. The Budget Act also requires that the Judicial Council adopt a rule of court to establish a process by which courts may seek reimbursement. In developing the process for reimbursement, the legislation requires that the council consider certain factors, including the methodology for reimbursement of a county's homicide trial costs, which is set out in Government Code section 15202.</p> <p>Current Government Code section 15202 permits payments to counties for costs of homicide trials. Counties may apply for reimbursement of a specific percentage of the cost of homicide trials that exceed a particular fractional percentage of the value of property assessed for taxation within the county.</p> <p>The proposed rule uses a county population threshold of 300,000 or less in order for a court to be eligible to apply for reimbursement of homicide trial costs. Reimbursement under the rule would be limited to courts in counties with populations of 300,000 or less because these smaller courts are more adversely affected by the unpredictable and infrequent costs resulting from these cases due to the limited size of their budgets. Currently, thirty-seven counties have populations of no</p>

more than 300,000. The proposed rule does not include the other limitations on reimbursement specified in Government Code section 15202 (number of homicide trials in the fiscal year, property tax assessments). However, the amount of funding under the Budget Act is limited and might not be sufficient to provide complete reimbursement to all courts that apply for reimbursement.¹

The proposed rule lists three criteria for reimbursement and requires that all requests for reimbursement comply with Judicial Council guidelines, which are currently being developed and will be presented to the council for approval. The guidelines will provide details concerning the application process and criteria. For example, the guidelines will address reimbursement of costs for a homicide trial in which venue has been changed and will also provide examples of what is considered an extraordinary cost and how court need is determined. A request for reimbursement under the rule must include an internal form entitled “Request for Reimbursement of Extraordinary Homicide Trial Costs” that is also under development.

Attachments

¹ There are other means for all courts, including courts in counties with populations of more than 300,000, to seek reimbursement of extraordinary homicide trial costs: a request to the AOC’s Finance Division for either a homicide case extraordinary cost reimbursement or deficiency funding.

Rule 6.711 of the California Rules of Court is adopted, effective immediately, to read:

Rule 6.711. Reimbursement of extraordinary costs associated with homicide trials

(a) [Intent] The intent of this rule is to authorize a process and establish criteria for the reimbursement of extraordinary costs associated with homicide trials in courts in counties with populations of 300,000 or less.

(b) [Criteria] A court that requests reimbursement of extraordinary costs of a homicide trial must meet all the following criteria:

(1) Have incurred extraordinary costs of a homicide trial;

(2) Be located in a county with a population of 300,000 or less; and

(3) Be able to demonstrate a financial need for reimbursement.

(c) [Submission] A request for reimbursement must be submitted by the court's presiding judge or executive officer to the Administrative Office of the Courts. All requests for reimbursement must comply with guidelines approved by the Judicial Council and include a completed Request for Reimbursement of Extraordinary Homicide Trial Costs form.

Excerpt from Budget Act of 2004
(Stats 2004, Ch. 208)

0450-101-0001--For local assistance, State Trial Court Funding . . 5,810,000
Provisions:

6. Of the amount appropriated in this item, up to \$254,000 shall be used for the payment of courts costs of extraordinary homicide trials. The Judicial Council shall adopt a rule of court to establish a process for courts to seek reimbursement for the extraordinary costs of homicide trials. In developing the process for reimbursement, the Judicial Council shall consider the following: (a) the uniform administration of justice throughout the state is a matter of statewide interest; (b) the prosecution and conduct of trials of persons accused of homicide should not be hampered or delayed by any lack of funds available to the courts for such purposes; (c) a court should not be required to bear the entire costs of a trial involving a homicide if such costs will seriously impair the finances of the court; and (d) the methodology for reimbursement established in Section 15202 of the Government Code.